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TRIRIGA Inc. 6700 Via Austi Parkway Las Vegas, NV 89119				
EXAMINER				
FERTIG, BRIAN E				
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3694				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/020,552

**Applicant(s)**

NICASTRO ET AL.

**Examiner**

BRIAN FERTIG

**Art Unit**

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-105 is/are pending in the application.  
4a) Of the above claim(s) 1-62,68 and 85-105 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 63-67 and 69-84 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to Applicant's filing of 7/21/2008. Claims 1-105 are pending. Claims 1-62, 68, and 85-105 have been withdrawn. Claims 63-67 and 69-84 are examined below.

#### ***Election/Restrictions***

1. Applicant's election with traverse of Group III, claims 63-84 in the reply filed on 10/24/2007 is acknowledged. The election, while made with traverse, fails to specifically point out the reasons on which the Applicant bases his or her conclusions that a requirement to restrict is in error. As such, the election is treated as having been made without traverse, pursuant to the guidance under MPEP § 818.03(a) and is, hereby, made final.
2. In the reply of 7/21/2008, Applicant has additionally indicated claims 68 as having been withdrawn. It is, therefore, treated as withdrawn for the purposes of this Office Action.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 63-67 and 69-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,862,376 to Ferriter (Ferriter).

With respect to claim 63

Ferriter teaches:

A system for defining and managing a physical asset requiring a plurality of items and components, comprising:

a first data store for item storing specification data (i.e.

specifications captured in a table, see col 3, lines 15-21), said first data store comprising;

one or more objects incorporated into or consumed during the creation of the asset (i.e. major components, 4, lines 45-67), said objects comprising;

one or more data fields for storing item attributes (i.e. component identification number, see col 3, lines 15-21);  
and

one or more methods (i.e. hierarchical tree information relating the components to each other, see col 5, lines 25-39);

a second data store for storing "item" data; said data store comprising one or more data field values (i.e. the items which make up the bill of materials, see col 5, lines 40-66);

one or more data input systems for inputting specification data into said first data store (i.e. query system, see col 4, lines 45-67);

one or more data input systems for inputting "item" data into said second data store (i.e. query system, see col 4, lines 45-67, note that specifications, components, subcomponents, and items making up the bill of materials are all captured through the query system); and

Ferriter does not explicitly teach:

a project management system including a data store interface linking said first data store and said second data store.

However, Ferriter acknowledges that the prior art recognizes the need involve many areas of the business early on in the design process. These areas include procurement, cost engineering, logistics planning and others (see col 1, lines 31-38). Ferrier also acknowledges modern project management role with respect to the design of systems (see col 1, line 39-col 2, line 27). It would therefore, have been obvious to

one having ordinary skill in the art to have provided Ferriter with systems related to the procurement, cost engineer, logistics planning, and project management business functions which access the data in the various data stores in order to overcome the limitations of conventional product design and involve these other business functions early in the design process as taught explicitly by Ferriter (see col 1, lines 30-38)

With respect to claim 64

Ferriter teaches:

The system of claim 63 (see rejection of claim 63 above) further including at least one item procurement system, the item procurement system comprising:

one or more data input systems for inputting specification data in said first data store inputting item data in said second data store (see col 1, lines 31-38, note the involvement of the procurement function. The inputting of the various data is fairly suggested by the involvement, planning and control taught by Ferriter, see col 1, lines 31-38).

(see rationale supporting obviousness and motivation to combine of claim 63 above)

With respect to claim 65

Ferriter teaches:

The system of claim 63 (see rejection of claim 63 above) further including a cost management system, the cost management system comprising:

one or more data input .systems for inputting specification data in said first data store and inputting item data in said second data store (see col 1, lines 31-38, note the involvement of the cost engineering function.

The inputting of the various data is fairly suggested by the involvement, planning and control taught by Ferriter, see col 1, lines 31-38).

(see rationale supporting obviousness and motivation to combine of claim 63 above)

With respect to claim 66

Ferriter teaches:

The system of claim 63 (see rejection of claim 63 above) further including an information collection system, said information collection system comprising:

one or more data input systems for inputting specification data in said first data store and inputting item data in said second data store (see col 1, lines 31-38, note the involvement of, at least, the logistics function.

The inputting of the various data is fairly suggested by the involvement, planning and control taught by Ferriter, see col 1, lines 31-38).

(see rationale supporting obviousness and motivation to combine of claim 63 above)

With respect to claim 67

Ferriter teaches:

The system of claim 63 (see rejection of claim 63 above) wherein the system includes multiple physical assets (see Ferriter, col 9, lines 30-37, note that the design can be implemented on a PC or workstation connected to a mainframe computer, thus teaching at least two physical assets comprising the system. Note further that the various business functions taught by Ferriter also fairly suggest additional systems in so far as each business function is fairly suggested to be implemented on its own pc, workstation, and/or mainframe).

(see rationale supporting obviousness and motivation to combine of claim 63 above)

With respect to claim 69

Ferriter teaches:

A system for defining and managing a physical asset requiring a plurality of items and components, comprising:

a first data store for item storing specification data data (i.e. specifications captured in a table, see col 3, lines 15-21), said first data store comprising:

one or more objects incorporated into or consumed during the creation of the asset (i.e. major components, 4, lines 45-67), said objects comprising:

one or more data fields for storing item attributes (i.e. component identification number, see col 3, lines 15-21);  
and

one or more methods (i.e. hierarchical tree information relating the components to each other, see col 5, lines 25-39);

a second data store for storing "item" data, said data store comprising one or more data field values (i.e. the items which make up the bill of materials, see col 5, lines 40-66);

one or more data input systems for inputting specification data into said first data store (i.e. query system, see col 4, lines 45-67); and



one or more data input systems for inputting "item" data into said second data store (i.e. query system, see col 4, lines 45-67, note that specifications, components, subcomponents, and items making up the bill of materials are all captured through the query system).

(see rationale supporting obviousness and motivation to combine of claim 63 above)

With respect to claim 70

See rationale supporting the rejection of claim 64 above.

With respect to claim 71

See rationale supporting the rejection of claim 65 above.

With respect to claim 72

Ferriter teaches:

The system of claim 69 (see rejection of claim 69 above) further including a teamwork system including a data store interface linking said fast data store and said second data store (see col 1, lines 31-38, note the combination of business functions taught by Ferriter, each of which could be fairly characterized as a 'teamwork' system in so far as they are working in concert to plan and control the project throughout the processes of design, release, and manufacturing).

(see rationale supporting obviousness and motivation to combine of claim 63 above)

With respect to claim 73

Ferriter teaches:

An application server coupled to a network (see col 9, lines 30-37 note that the pc is connected to the mainframe, fairly suggesting a network), comprising:

a first data store for item storing specification data (i.e. specifications captured in a table, see col 3, lines 15-21), said first data store comprising:

one or more objects incorporated into or consumed during the creation of the asset (i.e. major components, 4, lines 45-67), said objects comprising:

one or more data fields for storing item attributes (i.e. component identification number, see col 3, lines 15-21);  
and

one or more methods (i.e. hierarchical tree information relating the components to each other, see col 5, lines 25-39);

a second data store for storing "item" data (i.e. the items which make up the bill of materials, see col 5, lines 40-66), said data store comprising one or more data field values;

one or more data input systems for inputting specification data into said first data store;

one or more data input system for inputting "item" data into said second data store (i.e. query system, see col 4, lines 45-67); and

at least one data input and supplement toolset linking said first data store and said second data store (i.e. query system, see col 4, lines 45-67,

note that specifications, components, subcomponents, and items making up the bill of materials are all captured through the query system).

(see rationale supporting obviousness and motivation to combine of claim 63 above).

With respect to claim 74

Ferriter teaches:

The application server of claim 73 (see rejection of claim 73 above) wherein the data input and supplement toolset includes a design application toolset (see col 9, lines 38-42, note that a conceptual design tool is used by the query system generate the product structure tree and create the bill of materials)

(see rationale supporting obviousness and motivations to combine of claim 63 above).

With respect to claim 75

Ferriter teaches:

The application server of claim 73 (see rejection of claim 73) wherein the data input and supplement toolset includes a cost toolset (see col 1, lines 31-38, note the involvement of the cost engineering function).

(see rationale supporting obviousness and motivations to combine of claim 63 above).

With respect to claim 76

Ferriter teaches:

The application server of claim 73 (see rejection of claim 73 above) wherein the data input and supplement toolset includes a procurement toolset (see col 1, lines 31-38, note the involvement of the procurement function).

(see rationale supporting obviousness and motivations to combine of claim 63 above).

With respect to claim 77

Ferriter teaches:

The application server of claim 73 (see rejection of claim 73 above) wherein the data input and supplement toolset includes a project teamwork toolset (see col 1, lines 31-38, note the combination of business functions taught by Ferriter, each of which could be fairly characterized as a 'teamwork' toolset in so far as they are working in concert to plan and control the project throughout the processes of design, release, and manufacturing).

(see rationale supporting obviousness and motivations to combine of claim 63 above).

With respect to claim 78

Ferriter teaches:

The application server of claim 73 (see rejection of claim 73 above) wherein said toolsets modify said first and second data stores such that each of said data stores receive information modified by users (see col 5, lines 25-40, note that the user input captured during the query process are captured by the database, thus fairly suggesting modifying the first and second data stores based on information modified by users, see also col 10, lines 39-56, note that the bill of materials can be updated and the updates returned to the database).

(see rationale supporting obviousness and motivations to combine of claim 63 above).

With respect to claim 79

Ferriter teaches:

The application server of claim 73 (see rejection of claim 73 above) but does not explicitly teach wherein said network is a private network.

However, the network suggested by Ferriter (see col 9, lines 30-37) can be one of three types: private, public, or a combination. Given the limited set of choices and lack of Applicant's disclosure of a particular utility of choosing any particular network, the type of network chosen is considered to be an obvious design choice and does not distinguish Applicant's claimed invention from the prior art. Note further, that Applicant has claimed each of the possible varieties, further supporting the notion of an obvious design choice.

(see rationale supporting obviousness and motivation to combine of claim 63 above)

With respect to claim 80

See rationale supporting the rejection of claim 79 above.

With respect to claim 81

See rationale supporting the rejection of claim 79 above.

6. Claims 82-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furrier in view of US Patent 6,868,370 to Burbridge (Burbridge).

With respect to claim 82

Furrier teaches:

The application server of claim 73 (see rejection of claim 73 above) but does not explicitly teach wherein said network is the Internet, and said application tool sets

are provided by said application sever via the Internet to client devices responsive to a request from said devices.

Burbridge teaches:

wherein said network is the Internet, and said application tool sets are provided by said application sever via the Internet to client devices responsive to a request from said devices (see col 2, lines 50-59, col 3, lines 47-59, and col 5, lines 9-18 note the databases are available via the World Wide Web/Internet via a browser)

It would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have provided Furrier with the web/internet enablement features of Burbridge in order to have allowed access to the information from different parts of the world as taught explicitly by Burbridge (see col 1, lines 45-54)

With respect to claim 83

Furrier in view of Burbridge teaches:

The application server of claim 82 (see rejection of claim 82 above) wherein said server communicates data from said database with said client devices via a secure protocol (see Burbridge col 6, lines 1-12, note that security is provided and users are challenged to enter a username and password, thus fairly suggesting a secure protocol for communication).

(see rationale supporting obviousness and motivation to combine of claims 63 and 82 above)

With respect to claim 84

Furrier in view of Burbridge teaches:

The application server of claim 73 (see rejection of claim 73 above) wherein said application are configured to run in a browsing application (see Burbridge col 5, lines 5-18).  
  
(see rationale supporting obviousness and motivation to combine of claims 63 and 82 above)

### ***Response to Arguments***

7. Applicant's arguments, filed 7/21/2008, with respect to the rejection of the claims based on 35 USC 112, second paragraph have been fully considered and are persuasive. The rejection of the claims based on this section has been withdrawn.
8. The balance of Applicant's arguments with respect to claim 63-67 and 69-84 have been considered but are moot in view of the new ground(s) of rejection.
9. The Examiner respectfully notes that many of limitations of Applicant's claims are directed to a particular system or toolset. The claims, however, are not being given treatment under 35 USC 112, sixth paragraph, and it is therefore, improper for the Examiner to import limitations from the Specification into the claims. As such, the recited systems and toolsets are interpreted using their broadest reasonable meaning. The Examiner respectfully suggests including positive limitations directed to differentiating the variously claimed systems and toolsets with either particular structure or functional language. For example, the design systems tool described on page 28 of Applicant's specification includes a CAD intelligence plugin, specification tool, and a schedule tool. Alternatively, Applicant may wish to invoke treatment under 112, sixth

paragraph and recite, for example, "a design system toolset means for linking . . .".

Should Applicant choose to pursue treatment under 112, sixth paragraph, the Applicant is cautioned as to avoiding rejections under 112, second paragraph which would result if the recited 'means for' was not clearly identifiable in the Specification by one of ordinary skill.

### ***Inquiry***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN FERTIG whose telephone number is (571)270-5131. The examiner can normally be reached on Monday - Friday 8:30am to 5:00pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B.F./

/Mary Cheung/  
Primary Examiner, Art Unit 3694